(28)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

Writ Petition No.441 of 2004

PETITIONER	:	Sukulram Sahu, aged 41 years, S/o. Late Sudhuram, Occupation – Service presently working as Dispatch Clerk in C.S.E.B., R/o. C/o. Chief Engineer (Production), Chhattisgarh State Electricity Board, Korba (East), Korba (C.G.)
	Vs.	
RESPONDENT		Sushil Kumar, aged 17 years, S/o. Sukulram, minor through his mother Smt. Saraswati, Divorcee wife of Sukulram, R/o. Village-Birkona, Tahsil & District Bilaspur (C.G.)

Present: Shri Rajeev Shrivastava, learned counsel for the petitioner.

ORAL ORDER
(Passed on 7th September, 2006)

The marriage between the petitioner and the mother of the respondent is admitted. What the petitioner-father contended before the Court below is that after the mother of the respondent left his household, she was conceived and the respondent was born. In other words, according to the petitioner, the respondent is not born out of the wedlock between him and the mother of the respondent. Since the marriage is admitted by the petitioner, it was his burden to discharge the plea taken by him by adducing substantive evidence. The petitioner sought to support his plea by producing certain letters purported to have been written by the mother of the respondent, but, when those letters were confronted to the mother of the respondent in witness-box, she denied the authorship of those letters. Except these two letter, no other evidence is produced by the petitioner to substantiate the plea. In view this, I cannot take any

exception to the order of the Court below awarding monthly maintenance at the rate of Rs.700/- to the respondent, it is said, is studying in a college. It is stated that the petitioner is working as Dispatch Clerk in C.S.E.B. Furthermore, the maintenance awarded by the Court below, having regard to the status and income of the petitioner, could not be said to be excessive or unreasonable. No ground is made out. The writ petition is, therefore, dismissed. No costs.

Sd/-
Chief Justice

Brajesh